

## **REMARKS/ARGUMENTS**

Claims 1, 2 and 6-10 are pending in this application. Of these pending claims, Claims 1, 2 and 6-10 stand rejected. By way of this paper, Claim 1 has been amended.

The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the application in condition for allowance.

### ***Claim Objections:***

Claim 1 is objected to for lack of antecedent basis for "the data messages (*line 21*)".

Claim 1 is herewith amended so as to replace the term "the" (data messages) by "said" (data messages) in accordance with line 4.

### ***Examiner's Note:***

"It appears that limitations of 'first event data including date and location of transmission of the data messages' and 'the second event data including date and location of transmission of the data request' recited in claim 1 are addressed to non-functional descriptive material since they are pure data which do not impart functionality to the machine containing this data."

Claim 1 is herewith amended to stress that the server is providing an identifier in accordance with the date and location of transmission of the data messages and linking the identifier respectively to each of the data messages. These are necessary to search for requested data messages. This amendment finds support in the description, especially at page 3, line 20 "*The identifier can, in a particular case, amount to place and date data...*", and page 7, line 30 "*The selected images are saved in the memory 22 and are linked to an identifier. The identifier is, for example, the event data of the image...*".

This amendment is believed to clarify a functional relationship between the server and the date and location of transmission of the data messages.

### ***Claim Rejections – 35 U.S.C. § 103(a)***

Claims 1-2 and 6-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones, U.S. Publication No. 2001/0032335, hereinafter Jones, in view of Stern et al. U.S. Patent No. 7,016,899, hereinafter Stern.

### ***Response to Arguments:***

The general context of the application and the examples given

show that the terms “location of transmission” mean the location the data messages or the requests are transmitted from and not the location where such are received (the server). Claim 1 has been clarified accordingly so as to use the terms “location the data messages are transmitted from” and “location the data request is transmitted from”.

It is respectfully submitted that neither Jones, nor Stern, teaches the features of attaching to the data messages an identifier in accordance with the date and location the data messages are transmitted from.

Jones teaches in section [0010] that the still images can be annotated; however there is no indication that the annotation may contain an indication about the location a message containing the image was sent from. Sections [0017] and [0069] mention a “device address” and a registry that “knows to location of a device”. The context of Jones however shows that the location considered here is either the location to which an image is to be sent ([0041]-[0044]) or the location of a device to set up a communication with ([0069]). No teaching is found that the location is the location from where data was sent. Also no teaching is found is that the location is somehow attached or linked to an image or multimedia data and that this link is used to search for and match the image with a request.

The same applies for the date. While a date may be implicitly considered as a possible annotation of an image, no teaching is found that the date is the date (i.e. date and time) the image was sent.

Turning to Stern a more explicit teaching is given that “*location and environmental information*” is recorded and “*incorporated in to the image*” (col.3, lines 12-19). However the “*descriptive information*” that is collected “*based on GPS and other location coordinates*” is related to an “*object of interest*” (col.3, line 10). The location coordinates or other environmental information is therefore not linked to the location from where, or the date on which, image data are transmitted. Stern states in col.4, lines 12 ssq. “Later (emphasis added), the picture and associated location coordinates and/or sensed environmental conditions are transferred to a PC device or workstation...” . The term “Later” clearly shows that the transmission of the data can occur at a date/time different from the date/time of the capture of the image and the capture of the environmental conditions and in turn that the location of transmission can

be different (portable devices) from the location of the object of interest. The location coordinates or environmental conditions of Stern give therefore no information about the location from where a data transmission may have occurred. Stern so fails to teach the feature of the invention that a server provides an identifier in accordance with the date on which a data message is sent and the location where the data message is sent from.

Turning to col.6 lines 38-59 of Stern, reference is made to generation of an e-mail that the user transmits to retrieve an image from an object of interest from a remote database, in lieu of taking a picture. This may be compared to the “data request” of the invention.

At col.6 lines 50-51 Stern explains that the GPS coordinates that are transmitted to the server correspond to the location where the user generates the e-mail. The location from which the e-mail is finally transmitted may again differ from the location where the e-mail was generated and is not considered in Stern. This interpretation is confirmed by col.6 lines 55-59 where the e-mail sent to the final recipients is transmitted “with the image associated with the location at which the email was created (emphasis added)”. The location at which the email was transmitted to the server or to the recipient, which can be delayed due to network connectivity conditions, is again not relevant.

So neither Jones, nor Stern teach the feature that a server provides an identifier in accordance with the date on which a data message is sent and the location where the data message is sent from. In the same way, neither Jones nor Stern teaches the feature of a server matching such an identifier with the date a data request was sent at and the location a data request was sent from.

So, whether a person skilled in the art had considered the teachings of Jones and Stern separately or had combined such teachings he/she would have found no hint to use the date and the location the data message or the request messages were sent from.

To the contrary the general teaching of Stern would rather have deterred the person skilled in the art from using the date/location of transmission. The user devices mentioned in Stern are portable devices such as a camera (col.4 line 31), a laptop or a PDA (col.6 lines 44-45). The person skilled in the art knows that messages sent from such devices are usually transmitted over a wireless connection to a network and that the time a message is sent and the location a

message is sent depends on many factors such as connectivity, the presence of a network access point in a relatively close vicinity, business of the access point, user's command to send etc. Since the method of Stern is drawn to stamping images and more precisely objects of interest of an image, it would have been deterrent to use a date or a location parameter linked to the sending of a message and that is very likely not the same than the location and the capture time of the object of interest.

The invention as defined by amended claim 1, as well as dependent claims is therefore believed not to be obvious from Jones, in view of Stern et al.

### CONCLUSION

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.